

REMARKS

This paper is filed in response to the Office Action mailed July 6, 2009.

Claims 28-31, 35, 52, 64-66, 74-78 and 91 are pending in this application. Claims 28-31, 35, 52, 64-66, 74-78 and 91 were rejected based on an allegedly deficient reissue declaration. Claim 91 was rejected under 35 U.S.C. § 112, ¶ 2 for including a claim element that lacked antecedent basis.

Applicants note that in the Advisory Action mailed on November 17, 2009, at page 2, item 7, the Examiner indicates that for purposes of appeal, the Applicant's amendment filed November 5, 2009, will be entered. Therefore, Applicant does not include herewith a new listing of the claims.

Applicant submits herewith an executed supplemental reissue declaration.

Applicant respectfully traverses each of the Examiner's bases for rejection and requests reconsideration and allowance of all claims in view of the supplemental reissue declaration and the remarks below.

I. Supplemental Reissue Declaration

Claims 28-31, 35, 52, 64-66, 74-78 and 91 were rejected based on an allegedly deficient reissue declaration. The named inventor has been provided a copy of the specification and figures, as well as a copy of the claims as amended in this response with the reissue declaration. He has executed the reissue declaration to correct any deficiencies present in the as-filed reissue declaration. For example, the newly executed declaration includes a description of subject matter that was not included in the original letters patent. In view of the newly-submitted declaration, Applicant respectfully requests the Examiner withdraw the rejection of claims 28-31, 35, 52, 64-66, 74-78 and 91.

II. § 112, ¶ 2 – Claim 91

In the Office Action, the Examiner indicated that it appeared that the limitations of former claim 90 were omitted when claim 91 was amended to incorporate the limitations of its base claims. In the previously filed Amendment After Final Applicant

amended claim 91 to correct this deficiency. As such, Applicant respectfully asserts that claim 91 is now allowable and requests the Examiner withdraw the rejection of claim 91.


CONCLUSION

Applicant respectfully asserts that in view of the remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

Date: 12/31/2009



Michael Morlock
Reg. No. 62,245

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7391 (voice)
(336) 734-2756 (fax)